

01  
02  
03  
04  
05  
06  
07                   UNITED STATES DISTRICT COURT  
08                   WESTERN DISTRICT OF WASHINGTON  
09                   AT SEATTLE

10                   NATHAN LORING,    ) Case No. C05-1599-RAJ  
11    )  
12    )  
13    )  
14    )  
15    )  
16    )  
17    )  
18    )  
19    )  
20    )  
21    )  
22    )  
23    )  
24    )  
25    )  
26    )  
\_\_\_\_\_  
ALICE PAYNE,  
v.  
Petitioner,  
Respondent.

15                   The Court, after careful consideration of petitioner's § 2254 petition for writ of habeas  
16 corpus, the answer of the respondent, all supplemental materials filed, the Report and  
17 Recommendation of the Honorable James P. Donohue, United States Magistrate Judge, the  
18 governing authorities, and the balance of the record, does hereby find and ORDER:

19                   (1)       The Court adopts the Report and Recommendation, except that it modifies the  
20 fourth sentence of the first paragraph on page 6 of the Report and  
21 Recommendation to read as follows: "Because petitioner did not file his PRP  
22 raising his first and fourth claims within one year of this date, such claims are  
23 procedurally barred in this federal habeas action." This modification does not  
24 change the substance of the Report and Recommendation.

25                   (2)       Petitioner's federal habeas petition (Dkt. No. 4) is DENIED and the above-  
26 captioned case is DISMISSED with prejudice.

01 (3) The Clerk is directed to send copies of this Order to all counsel of record and to  
02 Judge Donohue.

03 DATED this 23rd day of April, 2008.  
04

05   
06

07 The Honorable Richard A. Jones  
08 United States District Judge  
09  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26